

5241. A method for the therapeutic treatment of infectious diseases caused by pathogenic microorganisms, comprising administering an effective amount of a compound of claim ~~37~~³⁸ or a pharmaceutically acceptable salt thereof, to a human being or animal.--

REMARKS

Claims 37-41 are active in the application.

This case is a CPA of application serial No. 08/089723, in which a declaration was filed pursuant to 37 C.F.R. §1.132. The major issue in that case concerned whether the claims were commensurate in scope with data showing superior antifungal properties. The present claims are narrower, being directed to compounds in which R¹ is benzoyl substituted with a heterocycle which is itself substituted by phenyl having an alkoxy substituent. These claims are commensurate in scope with data in the previously filed Rule 132 Declaration and the one submitted herewith (unexecuted) with data on the compound of Example 25 (claim 38).

Applicants submit that the case is now in condition for allowance. Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Norman F. Oblon
Attorney of Record
Registration No. 24,618

Robert W. Hahl
Registration No. 33,893

Crystal Square Five - Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202
(703) 413-3000
Fax No.: (703) 413-2220
RWH/csb/mem

I:\atty\RWH\00180971.pr